



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

Sent via Certified US Mail  
Return Receipt Requested

Certified Mail No. 7008 1830 0002 6279 4786

November 18, 2015

Robert H. Winters  
 PCA Industries, LLC

**PRVY-Controlled/Privacy**

Re: Information Request Letter for the Orange County Metal Processing Superfund  
 Removal Site, Fullerton, California

Dear Mr. Winters:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate actual or potential releases of hazardous substances, pollutants or contaminants that occurred at the Orange County Metal Platers Site ("the Site"), located at 1711 E. Kimberly Avenue, Fullerton, Orange County, California. EPA believes that PCA Industries, LLC ("Respondent", as further defined below) may have information that will assist EPA in its investigation of the Site. EPA seeks your answers to the questions contained in Enclosure B. EPA further seeks your completion of the Financial Statement for Businesses provided in Enclosure C. Definitions and instructions on how to respond to the questions are provided in Enclosure A.

Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information-gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to **\$37,500 per day** of noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties

under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

While you may assert a business confidentiality claim covering all or part of the information requested in this letter, as provided in 40 C.F.R. § 2.203(b), you may not withhold information upon that basis. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim, as a waiver of any claim, and may make the information available to the public without further notice. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, *et seq.*

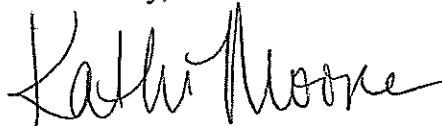
Pursuant to 40 C.F.R. § 2.310(h), Disclosure to Authorized Representatives, you are given notice of the contemplated disclosures by EPA of the information provided in response to this Information Request to authorized representatives of EPA. EPA's authorized representatives include GRB Environmental Services Inc., and Toeroek Associates Inc. Any subsequent additions or changes in EPA contractors who may have access to your responses will be published in the Federal Register. This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, analysis, inventory and indexing. Pursuant to 40 C.F.R. § 2.310(h), you may submit comments regarding EPA's disclosure of any confidential information contained in your response to EPA's authorized representatives within thirty (30) calendar days of the date of this letter.

Because of the legal ramifications regarding this request, EPA strongly encourages you to give this matter your immediate attention. Responses to this Information Request must be made in writing, signed by a duly authorized representative, and submitted to EPA within fourteen (14) calendar days of the date of this letter. Your responses should be directed to:

Craig Whitenack  
United States Environmental Protection Agency  
Region IX, Southern California Field Office  
600 Wilshire Avenue, Suite 1460  
Los Angeles, California 90017  
(213) 244-1820

If you have any technical questions regarding this letter, please contact Mr. Whitenack. Questions regarding legal matters can be directed to Tessa Berman at (415) 972-3472. Thank you for your attention and cooperation regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathi Moore". The signature is fluid and cursive, with the first name "Kathi" and last name "Moore" clearly distinguishable.

Kathi Moore, Manager  
CERCLA Enforcement Section  
Site Cleanup Branch  
Superfund Division

cc: Craig Whitenack, Civil Investigator, EPA Region IX  
Tessa Berman, ORC, EPA Region IX  
David T. Peterson, Esq.

Enclosures: Enclosure A, Instructions and Definitions  
Enclosure B, Information Request Questions  
Enclosure C, Financial Statement for Businesses

## ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

### Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this information request. For each question contained in this letter, if information responsive to this information request is not in the Respondent's possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this information request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of the Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. The Respondent should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available will be considered non-compliance with this information request.
5. Identify Sources of Answer. For each question, identify all the persons and documents (see Definitions) that the Respondent relied on in producing its answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this information request become known or available to the Respondent after it responds to this information request, EPA hereby requests pursuant to CERCLA Section 104(e) that the Respondent supplement its response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of the Respondent, its attorneys and consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b). If the Respondent makes a claim of confidentiality for any of the information it submits to EPA, it must prove that claim. For each document or response the Respondent claims as confidential, it must separately address the following points:
  - (a) Clearly identify the portions of the information alleged to be entitled to confidential treatment;

- (b) Identify the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- (c) Identify measures taken by the Respondent to guard against the undesired disclosure of the information to others;
- (d) Explain the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- (e) Provide pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) State whether the Respondent asserts that disclosure of the information would likely result in substantial harmful effects to the Respondent's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
- (g) To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. The Respondent should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit the Respondent's response so that all nonconfidential information, including any redacted versions of documents, are in one envelope and all materials for which the Respondent desires confidential treatment are in another envelope.
- (h) All confidentiality claims are subject to EPA verification. It is important that the Respondent satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that the information is not and has not been obtainable by legitimate means without the Respondent's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to the Respondent.

9. Objections to Questions. If the Respondent has objections to some or all of the questions contained in the information request, it is still required to respond to each of the questions.

Definitions Applicable to Enclosure B, Information Request:

- 1. Any reference to you or "Respondent" should be interpreted to include all owners, officers, managers, employees, contractors, assigns, agents, trustees, predecessors, successors, subsidiaries, operating divisions, affiliates and branches of PCA Industries, LLC or any entities purchased by PCA Industries, LLC.
- 2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.

3. The term "Site" shall mean the property at located at 1711 E. Kimberly Avenue, Fullerton, California and any contiguous property including 1706, 1710, 1712, 1720, 1724, 1726 East Rosslyn, Fullerton, California, and 1723 and 1725 East Kimberly Avenue, Fullerton, California.
4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid or sludge.
5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
6. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any - other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
7. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
8. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
9. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
10. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

## ENCLOSURE B: INFORMATION REQUEST

1. Provide the full legal name and mailing address of the Respondent.
2. For each person answering these questions on behalf of Respondent, provide:
  - a. Full name
  - b. Title
  - c. Business address
  - d. Business telephone number, fax number, and email address
3. If Respondent wishes to designate an individual for all future correspondence concerning the Sites, including any legal notices, please so indicate here by providing that individual's name, address, telephone number, fax number, and email address.
4. Please state whether you are financially capable of paying for, or reimbursing the United States for, all of EPA's oversight costs incurred in the response actions at the Site estimated at this time to equal at least \$130,481.79.
  - a. Complete all sections of the enclosed EPA form entitled "Financial Statement for Businesses" ("Financial Statement") including comprehensive responses to questions 15, 17, and 50. Attach additional pages as needed to fully respond to each question.
  - b. Provide the most recent three years of tax returns filed by Respondent, including all supporting schedules and statements.
5. Identify and explain the present corporate status (e.g., active, suspended, defunct, merged or dissolved) of your business and any and all of your predecessors, subsidiaries, affiliated businesses or commercial enterprises, including any entity operating or doing business as PCA Metal Finishing, Inc. that operates or operated at the Site, as well as the current and all former business forms used by such entity or entities (e.g., sole proprietorship, general partnership, limited partnership, joint venture or corporation). State the entire time period during which such entity or entities operated under each separate business form.
  - a. Identify the State in which the business was incorporated, formed or organized. Provide a copy of the Articles of Incorporation, Partnership Agreement, Articles of Organization, Bylaws, and any other documentation demonstrating the particular business form, together with any and all amendments, for all business forms under which each entity identified above is or was ever operated.
  - b. For corporate entities identified above, identify the names of all officers and directors for the period covering the formation of each corporation to the date of this request.
  - c. Identify all fictitious business names, assumed names or names under which you or any of your predecessors, subsidiaries, operating divisions, plants or branches conducted business at the Site and identify the time period during which each business operated.

6. Identify and explain any and all corporate sales, mergers, and operating and/or sales agreements involving you and any other entities including, but not limited to Pacific Clark-Akin Corporation, PCA Metal Finishers, Inc., Santa Ana Plating, PAC/SAP Holdings, Inc., PCA Industries LLC, Artistic Plating and Metal Finishing, Inc., and Industrial Polishing Services, Inc. Provide a comprehensive explanation of the relationships between Respondent and each of these entities. Provide copies of all documents related to your response.
7. Provide copies of the three most current annual financial statements regarding Respondent including but not limited to balance sheets and profit and loss statements.
8. Provide copies of all casualty, liability, and/or pollution insurance policies referencing the Site. Include all policies that may potentially provide coverage for bodily injury or property damage, and/or environmental contamination in connection with the Site property or the businesses operating at the Site for the period 1980 to the present. In the absence of the actual policies, please provide a summary of insurance information including insurance provider, policy numbers, and policy periods.
9. Identify all claims and/or settlements by you with any insurer that relate in any way to environmental liabilities at the Site, including:
  - a. The date of the claim and/or settlement;
  - b. The scope of release provided under such settlement; and
  - c. The amount of money paid by the insurer pursuant to such settlement.

Provide copies of all documents regarding such claims and/or settlement agreements.

10. Regarding your response to question 17 of the attached Financial Statement, provide a comprehensive explanation of the circumstances that led to the loan and the likelihood of repayment for all loans or receivables identified. Provide copies of any related documents.
11. Regarding your response to question 27 of the attached Financial Statement, provide a comprehensive explanation of the circumstances that led to the assumption of all notes and accounts payable identified. Provide copies of any related documents.
12. Provide an explanation of your relationship with Baker Development Company, Nancy Baker, Colleen Frojen, and the Frojen Trust. Provide details regarding your lease of space at the Site including the dates and terms of the lease. Provide copies of any lease agreements and any related documents.
13. Provide an explanation of your relationship with Manuel Reynoso and Orange County Metal Plating ("OCMP") and the details regarding your agreement to sublease space at the Site to Mr. Reynoso and OCMP, including the dates and terms of the sublease. Provide an accounting of any payments received by you pursuant to the sublease. Provide copies of any sublease agreements and any related documents.



14. Have you received any income from subleasing the space at the Site from any individuals or entities other than Manuel Reynoso and OCMP? Provide copies of any related documents.
15. State whether you are currently operating at the Site or have ever operated there in the past. If so, identify the dates you operated at the Site and describe the nature of Respondent's business at the Site, including but not limited to, a brief description of the major products or services Respondent manufactured or provided.
16. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify and provide a last known address or telephone number of such persons and the additional information or documents that they may have